

### **REMARKS**

By this amendment, no claims have been added or cancelled, and Claims 1 and 8 have been amended to more clearly recite the subject matter to which Applicants desire patent protection. Hence, Claims 1, 3-8, and 10-14 are pending in the application.

### **INTERVIEW SUMMARY**

The Applicants thank the Examiner for the Interview conducted on March 10, 2006. The interview was between Examiner Elallam and the Applicants' Attorney, Christopher J. Brokaw. Pending Claim 1 that was rejected to in the Office Action was discussed along with U.S. Patent No. 6,754,635 issued to Hamlin et al. ("*Hamlin*"). No agreement was reached. The Applicant is providing herein the amendment that was proposed during the interview.

### **SUMMARY OF THE REJECTIONS/OBJECTIONS**

Claims 1, 3, 4, 8, 10, and 11 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent Application 2002/0007303 issued to Brookler et al. ("*Brookler*") in view of *Hamlin*.

Claims 5 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over *Brookler* in view of *Hamlin* in view of U.S. Patent Application 2002/0052774 by Parker et al. ("*Parker*").

Claims 6 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over *Brookler* in view of *Hamlin* in view of U.S. Patent Number 6,826,540 issued to Plantec et al. ("*Plantec*").

Claims 7 and 14 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over *Brookler* in view of *Hamlin* in view of U.S. Patent Number 6,535,885 issued to Nardone et al. ("*Nardone*").

The rejections are respectfully traversed.

### THE PENDING CLAIMS ARE PATENTABLE OVER THE CITED ART

The prior art, even if properly combined, fails to teach, disclose, or suggest, the combination of elements featured in each pending claim.

#### Claims 1 and 8

Claims 1 and 8 each feature:

"establishing a first connection between a mobile device and a gateway using a first protocol;  
wherein said mobile device supports said first protocol but not a second protocol;  
wherein said online community is associated with a server that supports said second protocol but not said first protocol;  
receiving user input that indicates said opinion through user interface controls on said mobile device, wherein said user input is provided relative to a survey defined by a particular party;  
transmitting, from said mobile device to said gateway, opinion data indicating said opinion, in a message that is not addressed to any specific member of the community, using said first protocol;  
transmitting said opinion data, using said second protocol, from said gateway to said server;  
storing, at said server, for said survey, said opinion data as part of survey results, wherein said survey results reflect opinion data from a plurality of members of the online community; and  
transmitting said survey results, using said second protocol, from said server to members of said online community in response to requests received by said server in said second protocol,  
**receiving, through user interface controls on a second mobile device, user input that requests said survey results,**  
**wherein the second mobile device is a mobile device of a member of the community and not the particular party that defined the survey;**  
transmitting a request for said survey results, using said first protocol, from said second mobile device to said gateway;

transmitting a request for said survey results, using said second protocol, from said gateway to said server;  
in response to said request received at said server using said second protocol, transmitting said survey results, using said second protocol, to said gateway; and  
sending said survey results, using said first protocol, from said gateway to said second mobile device” (emphasis added)

At least the above-bolded elements are not disclosed, taught, or suggested by *Brookler* or *Hamlin*, either individually or in combination.

The Office Action acknowledges that *Brookler* does not show the above-bolded elements, and instead, relies upon *Hamlin* to show the above-bolded features.

As a preliminary matter, it is noted that the Applicants’ Attorney is familiar with *Hamlin*, as the Applicants’ Attorney’s law firm wrote and prosecuted *Hamlin*.

*Hamlin* is directed towards an approach for automating the conduct of surveys over a network system. In *Hamlin*, an interface is displayed to a particular client. This interface may be used by the client to define a survey. The client may cause the generation of the survey based on information received from the client, and may field the survey, once generated, to a group of target users participating in the survey. The client, which defined the survey, may be provided with data that reflects the results of the survey (see *Abstract*). *Hamlin* teaches that the survey results may be provided to the client in exchange for monetary compensation (See Col. 5, lines 40-60; steps 608 and 612 of FIG. 6).

According to the approach of *Hamlin*, the client that receives the survey results is the same client that defined the survey. For example, Col. 5, lines 40-43 of *Hamlin* states:

In accordance with the present invention, an automated survey mechanism provides an interface that enables a client to define, target, field, and

**receive results from a particular survey** (emphasis added).

It would be against the interests of the survey creators of *Hamlin*, who paid for the survey results, to make the survey results available to anyone but themselves. For example, if a costume maker uses the approach of *Hamlin* to generate and administer a survey to determine the top Halloween costumes for Halloween this year, it would be against the interests of the costume maker to allow other people, especially other costume makers, to have access to the survey results.

As a result of the fundamental distinctions between *Hamlin* and Claim 1, numerous claim elements of Claim 1 are not disclosed, taught, or suggested by *Hamlin*. For example, Claim 1 features:

“receiving, through user interface controls on a second mobile device, user input that requests said survey results,  
wherein the second mobile device is a mobile device of a member of the community and not the particular party that defined the survey;”

The portion of *Hamlin* cited by the Office Action to show these features (Col. 4, lines 60-67; Col. 5, lines 1-7; and Col. 13, lines 13-23) merely discusses (a) a communication interface 118 (such as a modem) to a computer system, and (b) requesting data from a survey taker, prior to the survey taker taking the survey, to customize the survey to be taken by the survey taker. Neither of these concepts is analogous to receiving a request for survey results from a mobile device of someone other than the party that defined the survey.

In fact, *Hamlin* makes clear that the client that defines the survey receives the survey results, and the survey takers do not receive the survey results (see steps 602, 604, 606, and 634 of FIG. 6, and the corresponding explanation in the detailed description, as well as Col. 5, lines 40-60). For example, *Hamlin* states:

At step 604, the client interacts with the interface to define a survey (Col. 14, lines 46-47). (emphasis added)

At step 610, the client uses the interface to provide an address to define where the survey results are to be delivered (Col. 14, lines 61-63). (emphasis added)

At step 634, the file containing the results of the survey are sent to the address that was previously provided by the client (Col. 15, lines 29-31). (emphasis added)

Thus, in *Hamlin*, the only party to receive survey results is the client that defined the survey.

Consequently, *Hamlin* cannot disclose, teach, or suggest the elements of “receiving, through user interface controls on a second mobile device, user input that requests said survey results” and “wherein the second mobile device is a mobile device of a member of the community and not the particular party that defined the survey” recited in Claim 1.

Assuming, *arguendo*, that *Brookler* and *Hamlin* were to be properly combined, it is respectfully submitted that at least one element of Claim 1 would still not be disclosed, taught, or suggested by the combination *Brookler* and *Hamlin*. As a result, Claim 1 is patentable over the cited art and is in condition for allowance. Moreover, Claim 8 recites features similar to that of Claim 1, except that Claim 8 is written in computer-readable medium format. Consequently, for at least the reasons given above with respect to Claim 1, it is respectfully submitted that Claim 8 is patentable over the cited art and is in condition for allowance.

The Office Action, in the Response to Arguments section, states that the element formally recited in Claim 1 of “wherein the second mobile device is a mobile device of a member of the community and **not the creator of the survey**” is being interpreted as

“wherein the second mobile device is a mobile device of a member of the community and **not participating in the survey**” (emphasis in original). Being a creator of a survey and participating in a survey are orthogonal concepts, i.e., they have nothing to do with each other. For example, if one created or defined a survey, one may choose to take the survey or not. As another example, if one participated in a survey, he or she may have defined or created the survey, or may not have. Typically, the party that defines a survey would not participate in the survey, but the party that defined that survey may choose to do so.

Thus, the act of creating or defining a survey is not in any way analogous to participating in a survey. Consequently, to show the above-discussed elements of Claim 1, merely showing a reference that discusses receiving a request from a mobile device of a party that did not participate in the survey would not disclose, teach, or suggest these elements, because participating in a survey is not analogous to defining a survey.

The Office Action requested that the Applicants explain whether or not a participating member is a creator of the survey. Claims 1 and 8 have been amended to recite that a particular party defined the survey. Claims 1 and 8 also specify that the second mobile device is a mobile device of a member of the community and not the particular party that defined the survey. The mobile device that supports the first protocol in Claims 1 and 8 may be, but typically would not be, associated with the party that defined the survey, since that mobile device provides user input that indicates an opinion relative to the survey defined by the particular party.

Claims 3-7, and 10-14

Claims 3-7 and 10-14 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 3-7 and 10-14 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3-7 and 10-14 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



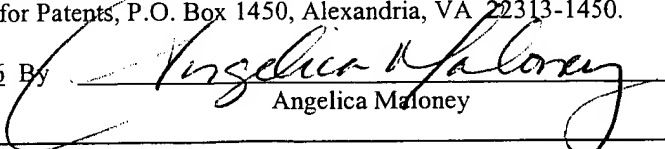
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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

On March 31, 2006 By

  
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